

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION PARTIALLY UPHOLDING AND PARTIALLY DENYING THE APPEAL OF THE AVILA VALLEY ADVISORY COUNCIL AND AFFIRMING IN PART AND MODIFYING THE DECISION OF THE SUBDIVISION REVIEW BOARD AND CONDITIONALLY APPROVING THE APPLICATION OF DAMIEN AND KATHERYNE MAVIS AND PATRICK ARNOLD FOR A TENTATIVE PARCEL MAP CO14-0021 AND DEVELOPMENT PLAN/ COASTAL DEVELOPMENT PERMIT SUB2013-00054.

The following resolution is now offered and read:

WHEREAS, on October 6, 2014, the Subdivision Review Board of the County of San Luis Obispo (hereinafter referred to as the Subdivision Review Board) duly considered and conditionally approved the application of Damien and Katheryne Mavis and Patrick Arnold for a Tentative Parcel Map CO14-0021 and Development Plan/ Coastal Development Permit SUB2013-00054; and

WHEREAS, Jim Hartig on behalf of Avila Valley Advisory Council has appealed the Subdivision Review Board's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the Board of Supervisors) pursuant to the applicable provisions of Titles 21 and 23 of the San Luis Obispo County Code; and

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WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on November 4, 2014, and determination and decision was made on November 4, 2014; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be upheld in part and modified in part and the decision of the Subdivision Review Board should be affirmed in part and modified in part, and that the application should be approved subject to the findings and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.
2. That the Mitigated Negative Declaration prepared for this project, is hereby approved as complete and adequate and as having been prepared in accordance with the provisions of the California Environmental Quality Act.
3. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibits A and C attached hereto and incorporated by reference herein as though set forth in full.
4. That the appeal filed by Jim Hartig on behalf of Avila Valley Advisory Council is hereby partially upheld and partially denied and the decision of the Subdivision Review Board is affirmed in part and modified in part and that the application of Damien

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and Katheryne Mavis and Patrick Arnold for the Tentative Parcel Map CO14-0021 and Development Plan/ Coastal Development Permit SUB2013-00054 is hereby approved subject to the conditions of approval set forth in revised Exhibits B and D attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

[SEAL]

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APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: 
Deputy County Counsel

Dated: October 24, 2014

STATE OF CALIFORNIA,)
) ss.
County of San Luis Obispo,)

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this day of _____, 20__.

County Clerk and Ex-Officio Clerk of the Board
of Supervisors

(SEAL)

By _____ Deputy Clerk.

FINDINGS - EXHIBIT A
FINDINGS FOR DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on August 21, 2014 for this project. Mitigation measures are proposed to address cultural resources, geology and soils, noise, public services/utilities, recreation, and transportation/circulation and are included as conditions of approval.

Development Plan

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the proposed 2 residential units do not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the single family style residential units are similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Avila Beach Drive and San Miguel Streets, local roads constructed to an improvement standard that will accommodate the additional vehicle trips.

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Condominiums

- G. The proposed lot split into two 3,000 square foot parcels is justified because the residential unit ownership project, as determined with this Development Plan is consistent with the following findings:
1. The common ownership external parcel is in compliance with the provisions of the Coastal Zone Land Use Ordinance because it meets the minimum parcel size of 6,000 square feet prior to subdivision.
 2. The density of the residential units (two units) is in compliance with Section 23.04.084 because it is below the maximum allowable.

Modification

- H. Modification of the location standard as set forth in section 23.08.165 – Residential Vacation Rentals may be modified to less than 50 feet for both residences from the nearest existing vacation rental because the project is consistent with all other provisions of the section and because there are specific conditions relative to the site including site location, access and onsite parking that justifies the residences to be used as a vacation rental. The site is located approximately 0.2 miles from recreation and visitor-serving uses and will provide for two off-street parking spaces per residence to limit street parking. Given the visitor serving nature of the surrounding neighborhood, off-street parking availability, private access driveway (Colony Lane), and because the proposed use would not create any significant impacts as conditioned, the project meets all CZLUO standards for Residential Vacation Rentals and the modification of the location standard is justified.

Archeological Sensitive Area

- I. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because should resources be encountered construction will stop and the applicant will contact the County Planning and Building Department and Native American Representative.
- J. The site design and development cannot be feasibly changed to avoid intrusion into or disturbance of archaeological resources. Construction will use appropriate methods, as conditioned, to protect the integrity of the site.

Coastal Access

- K. The proposed use is in conformity with the public access and recreation policies

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of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

REVISED - CONDITIONS OF APPROVAL - EXHIBIT B
CONDITIONS FOR DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT

Approved Development

1. This approval authorizes:
 - a. Tentative Parcel Map and Development Plan/ Coastal Development Permit to allow for 1) the subdivision of an existing 6,000 square foot parcel into two 3,000 square foot residential parcels as a planned development, 2) construction of two single family residential units of 1,983 square feet and 1,917 square feet with attached two car garages on the proposed residential parcels, and 3) use of the residences as two separate vacation rentals. The project will result in the disturbance of the entire parcel through development, landscaping and associated improvements.
 - b. The maximum height of the residences shall be 25 feet as measured from average natural grade.

Residential Vacation Rental Operational Conditions

2. Rental of the single family residence shall not exceed four individual tenancies per calendar month. The first day of each tenancy determines the month assigned to that tenancy. No additional occupancy of the residence (with the exception of the property owner and private non-paying guests) shall occur. A residential vacation rental shall only be used for the purposes of occupancy as a vacation rental or as a full time occupied residence. No other use (i.e.: home occupation, temporary event, homestay) shall be allowed on the site.
3. The maximum number of occupants allowed in the residential vacation rental shall not exceed the number of occupants that can be accommodated consistent with the onsite parking requirement, and shall not exceed two persons per bedroom plus two additional persons, or eight persons total.
4. The residential vacation rental is not to change the residential character of the outside appearance of the building, either by the use of colors, materials, lighting, or by the construction of accessory structures or garages visible from off-site and not of the same architectural character as the residence; or by the emission of noise, glare, flashing lights, vibrations or odors not commonly experienced in residential areas.
5. Availability of the rental unit to the public shall not be advertised on site, and the rental unit shall not advertise on-street parking.

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6. Vehicles used and traffic generated by the residential vacation rental shall not exceed the type of vehicles or traffic volume normally generated by a home occupied by a full time resident in a residential neighborhood. Normal residential traffic volume means up to 10 trips per day.
7. All parking associated with the residential vacation rental shall be entirely on-site, in a garage, driveway or otherwise out of the roadway. Tenants of the vacation rental shall not use on-street parking at any time.
8. The residential vacation rental shall comply with the standards of Section 23.06.040 et seq. (Noise Standards). No residential vacation rental is to involve on-site use of equipment requiring more than standard household electrical current at 110 or 220 volts or that produces noise, dust, odor or vibration detrimental to occupants of adjoining dwellings. The property owners and/or property managers shall insure that the occupants of the residential vacation rental do not create loud or unreasonable noise that disturbs others and is not in keeping with the character of the surrounding neighborhood. Loud and unreasonable noise shall be evaluated through field observations by a County Sheriff, County Code Enforcement or other official personnel, based upon a threshold of noise disturbance related to the residential vacation rental use that is audible from a distance of 50 feet from the property lines of the rental property.
9. The property owner shall designate a local property manager or contact person. The local property manager or contact person shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. Where a property owner lives within the same community as the residential vacation rental, the property owner may designate themselves as the local contact person. The following requirements shall apply:
 - a. A notice shall be submitted to the Department of Planning and Building, the local Sheriff Substation, the main county Sheriff's Office; the local fire agency and supplied to the property owners within a 200 foot radius of the proposed residential vacation rental site. Distances shall be measured as a radius from the exterior property lines of the property containing the residential vacation rental unit. This notice shall state the property owner's intention to establish a residential vacation rental and shall include the name, address and phone number of the local contact person and the standards for noise, parking and maximum number of occupants. A copy of the notice, a form certifying that the notice has been sent and a list of the property owners notified shall be supplied to the Planning and Building Department at the time of application for the Business License and Transient Occupancy Tax Certificate for the residential vacation rental.
 - b. The name, address and telephone number(s) of the local contact person shall be permanently posted in the rental unit in a prominent location(s). Any change in the local contact person's address or telephone number

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shall be promptly furnished to the agencies and neighboring property owners. In addition, the standards for parking, maximum occupancy and noise shall be posted inside the residential vacation rental unit and shall be incorporated as an addendum to the vacation rental contracts.

10. The residential vacation rental shall meet the regulations and standards set forth in Chapter 3.08 of the County Code, including any required payment of transient occupancy tax for the residential vacation rental. The Transient Occupancy Tax Certificate number shall be included in all advertising for the residential vacation rental.
11. If the Business License issued for the residential vacation rental expires pursuant to Title 6 of the County Code, a new Zoning Clearance and/or Business License shall be required and shall be subject to all standards as set forth in the Residential Vacation Rental Ordinance (Section 23.08.165).
12. Penalties for violation of these conditions of approval may include revocation of the Minor Use Permit, Zoning Clearance and/or Business License. Violations that will cause the processing of revocation include:
 - a. Failure to notify County staff when the contact person, or contact information, changes.
 - b. Violation of the residential vacation rental tenancy standards.
 - c. Violation of the residential vacation rental maximum occupancy, parking and noise requirements.
 - d. The inability of County staff or the Sheriff's Dispatch to reach a contact person.
 - e. Failure of the local contact person, or property owner, to respond the complaint.

Three verified violations, as determined by a County Planning and Building staff person, within any consecutive six month period, shall be grounds for revocation of the Minor Use Permit, Zoning Clearance and/or Business License. Signed affidavits by members of the community may be used to verify violations. Revocation of the Minor Use Permit, Zoning Clearance and/or Business License shall follow the same procedure used for land use permit revocation as set forth in Section 23.10.160 of the Coastal Zone Land Use Ordinance. The Director of Planning and Building will hold the initial revocation hearing.

Conditions required to be completed at the time of application for construction permits

Site Development

13. **At the time of application for construction permits**, submit a revised **site plan, floor plan, architectural elevations to detail exterior finish materials, colors, and height above natural grade on all sides of proposed buildings** to the Department of Planning and Building for review and approval. The revised plan shall indicate the following and development shall be consistent with this revised and approved plan:

- a. Revised measurement of average natural grade to reflect the lowest point where the structure meets existing grade;
- b. Revised plans to show a pitched roof with a slope greater than 2.5 in 12; and

c. Revised height of the residences not to exceed 25 feet above average natural grade.

d. At least one guest parking space outside of the common use area and submit revised calculations illustrating the proposed project meets the requirements for planned developments (maximum floor area versus minimum open area.)

14. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

15. **At the time of application for construction permits**, the applicant shall provide roofing materials which comply with the requirements of the Avila Beach Specific Plan and are non-reflective materials.

Fire Safety

16. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code.

Services

17. **At the time of application for construction permits**, the applicant shall provide a letter from Avila Beach Community Services District stating they are willing and able to service the property.

Conditions to be completed prior to issuance of a construction permit

Noise

18. (N-1) The applicant will demonstrate that the homes are designed to minimize interior noise exposure including, but not limited to the following features:
- a. Air conditioning or a mechanical ventilation system
 - b. Solid core exterior doors with perimeter weather stripping and threshold seals
 - c. Exterior finish stucco or brick veneer (or wood siding with plywood under layer)
 - d. Roof or attic vents baffled.

Fees

19. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Best Management Practices

20. **Prior to issuance of a construction permit**, the construction documents shall show that the project complies with Best Management Practices (BMP's) to address storm water runoff. The combined set of BMP's shall be designed to treat and infiltrate storm water runoff up to and including the 85th percentile storm event.
21. "Naturally-occurring asbestos" has been identified by the State Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to construction permit issuance**, a geologic investigation will be prepared and then submitted to the county to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD. (For any questions regarding these requirements, contact Karen Brooks (APCD) at (805) 781-5912 or go to <http://www.slcleanair.org/business/asbestos.asp>). **Prior to final inspection or occupancy**, whichever occurs first, when naturally-occurring asbestos is encountered, the applicant shall provide verification from APCD that the above measures have been incorporated into the project.

Conditions to be completed during project construction

22. *Fugitive PM10 Mitigation Measures* (All required PM10 measures shall be shown on applicable grading or construction plans. In addition, the developer shall designate personnel to insure compliance and monitor the effectiveness of the required dust control measures (as conditions dictate, monitor duties may be necessary on weekends and holidays to insure compliance); the name and telephone number of the designated monitor(s) shall be provided to the APCD **prior to construction/grading permit issuance**)

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
- c. All dirt stock-pile areas should be sprayed daily as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.

Cultural Resources

23. (CR-1) **During construction/ground disturbing activities**, the applicant shall comply with all requirements of the Cultural Resources Monitoring Plan submitted by Applied EarthWorks Inc., dated May 2008 and revised December 2008, including retaining a Chumash representative during ground disturbance.

24. (CR-2) Any soil from the embankment that is excavated shall remain on the lot

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where it originated from or be transported to the approved location as shown on the "Colony Retrieval Site" map dated July 15, 2006. Reburial and relocation of cultural materials at this location shall be conducted under the authority of the local Chumash representative and the project archaeologist who shall also be on site during depositing of materials and/or reburial activities.

25. (CR-3) **Prior to final inspection**, the applicant shall submit the final Phase III monitoring/mitigation report (to be completed by Applied EarthWorks, Inc.) detailing all field and laboratory work completed, materials recovered, and conclusions reached during all monitoring activities for review and approval. This report shall show how the project complied with all the required mitigation measures outlined in the submitted monitoring report by Applied EarthWorks, Inc. (May 2008).
26. (CR-4) **During construction/ground disturbing activities**, in the event archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner shall be notified in addition to the department of Planning and Building so proper disposition may be accomplished. If human remains are unearthed, State Health and Safety Code Section 7050.5 require that no further disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition and pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then contact the most likely descendent of the deceased Native American, who will then serve as consultant on how to proceed with the remains (i.e. avoid, rebury).

Building Height

27. The maximum height of the project is 25 feet from average natural grade.
 - a. **Prior to any site disturbance**, a licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish average natural grade and set a reference point (benchmark).
 - b. **Prior to approval of the foundation inspection**, the benchmark shall be inspected by a building inspector prior to pouring footings or retaining walls, as an added precaution.
 - c. **Prior to approval of the roof nailing inspection**, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

Geology and Soils

28. (GS-1) The applicant shall comply with the recommendations and requirements, or comparable, listed in the submitted Soils Engineering Report and Engineering Geology Investigation for The Colony, Lots 1 and 11, Avila Beach Drive, Avila Beach, San Luis Obispo County, California, GeoSolutions, Inc., March 18, 2013 to include: preparation of building pads, paved areas, pavement design, mat foundation, post-tensioned slabs, slab-on-grade construction, retaining walls.
29. All applicable geologic mitigation measures from the GeoSolutions Report, March 18, 2013 geologic evaluation will be shown on the grading and building plans. Compliance will be verified by the project engineering geologist with onsite visits during grading, and verification of all construction documents. Any changes to the requirements requested by the project engineering geologist due to unforeseen site conditions shall be reviewed and approved by the Department of Planning and Building and the project engineering geologist, and shall be shown on all construction documents.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

30. Landscaping in accordance with the approved landscaping plan shall be installed before final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.
31. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from Cal Fire of all required fire/life safety measures.
32. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

Cultural Resources

33. Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection (whichever occurs first), the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.
34. **Prior to final inspection**, an easement shall be recorded over the approved location as shown on the "Colony Retrieval Site" map dated November 19, 2008 from Above Grade Engineering as to prohibit any future disturbance of the buried

cultural materials. Easement language shall be reviewed and approved by the Department of Planning and Building.

35. **Prior to final inspection** the applicant shall submit the final Phase III monitoring/mitigation report (completed by Applied Earthworks) detailing all field and laboratory work completed, materials recovered, and conclusions reached during all monitoring activities for review and approval. This report shall show how the project complied with all the required mitigation measures outlined in the submitted monitoring report by Applied Earthworks (December 2008).

On-going conditions of approval (valid for the life of the project)

36. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
37. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.
38. Only the following types of wood burning devices shall be allowed (based on District Rule 504): a) EPA-Certified Phase II wood burning devices; b) catalytic wood burning devices emitting less than or equal to 4.1 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; c) non catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; d) pellet-fueled woodheaters; or e) dedicated gas-fired fireplaces. **Prior to construction permit issuance**, such devices shall be shown on all applicable plans, and installed as approved by the county.

FINDINGS - EXHIBIT C
FINDINGS FOR TENTATIVE PARCEL MAP CO14-0021

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on August 21, 2014 for this project. Mitigation measures are proposed to address cultural resources, geology and soils, public services/utilities, noise, and transportation and are included as conditions of approval.

Tentative Map

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Residential Multi Family land use category.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because the required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of the proposed planned development which will include 2 residential units and associated parking.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support the proposed multi-family development. The site is suitable for a high density project, and the project, as proposed, complies with the density requirements under the Coastal Zone Land Use Ordinance.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or

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wildlife or their habitat because the project site does not contain any substantial sensitive habitat areas or any special status species. The project site is currently entirely disturbed due to previous grading for the lot line adjustment that created the parcel.

- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

Coastal Access

- J. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

**CONDITIONS OF APPROVAL - EXHIBIT D
CONDITIONS FOR TENTATIVE PARCEL MAP CO14-0021**

Approved Project

1. This approval authorizes:
 - a. Tentative Parcel Map and Development Plan/ Coastal Development Permit to allow for 1) the subdivision of an existing 6,000 square foot parcel into two 3,000 square foot residential parcels as a planned development, 2) construction of two single family residential units of 1,983 square feet and 1,917 square feet with attached two car garages on the proposed residential parcels, and 3) use of the residences as two separate vacation rentals. The project will result in the disturbance of the entire parcel through development, landscaping and associated improvements.

Access and Improvements

2. All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

Common Use Area Easement

3. Reserve easements on the map for front and rear yard common use areas to comply with condominium/planned development design requirements.

Improvement Plans

4. **Prior to map recordation**, electric, telephone and cable television services shall be completed, and shall meet the utilities' installation requirements, unless (in-lieu) financial arrangements with the utility for the installation of these systems have been made.
5. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

Improvement Maintenance

6. **Prior to map recordation** the developer shall submit a proposed Constructive Notice for the subdivision to the county Public Works Department for review and approval. The constructive notice shall provide at a minimum the following provisions:
 - a. The maintenance, within the public road right of way and / or any public pedestrian easement adjacent thereto, of the sidewalks, landscaping, and pedestrian amenities fronting each of the separate lots or parcels within the subdivision in accordance with the county Public Improvement Standards shall be solely responsibility of the owner of each of the separate lots or parcels aforesaid and said owner's heirs, executors, administrators, successors and assigns in perpetuity, or until specifically accepted for maintenance by a public agency.
 - b. After approval the Constructive Notice shall be recorded in the office of the County Recorder and a copy of the recorded document submitted to the Public Works Department.

Utilities

7. Electric and telephone lines shall be installed underground.
8. Cable T.V. conduits shall be installed in the street.
9. Gas lines shall be installed.

Vector Control and Solid Waste

10. **Prior to Recordation** a determination of method of pick-up shall be specified by the waste handler and if centralized facilities for the pick-up are required, provisions shall be made within the project for central facilities that meet Coastal Zone Land Use Ordinance requirements for trash enclosures. If centralized facilities are established, this shall include provisions for recycling if service is available or subsequent installation of such facilities if recycling service becomes available in the future.

Fire Protection

11. The applicant shall obtain a fire safety clearance letter from Cal Fire establishing fire safety requirements prior to filing the final parcel or tract map.
12. Designate a fire lane within all the driveway areas. This lane to be a minimum width of twenty (20) feet.

Parks and Recreation (Quimby) Fees

13. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of dwelling units proposed in the case of a condominium, stock cooperative, or community apartment project.

Additional Map Sheet

14. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
- a. The additional map sheet shall contain the final conditions of approval for the Development Plan/Coastal Development Permit as they are shown in the Notice of Final Action.
 - b. The additional map sheet shall show the common use areas as an easement across the front and rear yards.
 - c. In accordance with Title 13.01 of the County Code, the applicant shall be responsible for paying to the Department of Public Works the Avila Road Improvement Fees for each future building permit in the amount prevailing at the time of payment.
 - d. The applicant shall demonstrate that the project construction plans are in conformance with the Source Control BMPs as identified for project incorporation in the applicant's Stormwater Quality Plan Application for Priority Projects.
 - e. The property owner shall be responsible for the operation and maintenance of public road frontage sidewalks, landscaping, street lighting, and pedestrian amenities in a viable condition and on a continuing basis into perpetuity, or until specifically accepted for maintenance by a public agency.
 - f. The additional map sheet shall contain the final conditions of approval for the Development Plan as they are shown in the Notice of Final Action.

Covenants, Conditions and Restrictions

15. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall establish a home owners association (or otherwise

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satisfy the requirements of California Civil Code Section 4157) and provide at a minimum the following provisions:

- a. A site plan showing the common use areas.
- b. Maintenance of landscaping.
- c. Maintenance of common areas.
- d. Maintenance of all driveways.
- e. A common wall or party wall agreement, deed restriction or other enforceable restriction will be recorded.

Miscellaneous

16. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
17. A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary **prior to filing the map.**
18. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et seq.
19. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer a copy of which is attached hereto and incorporated by reference herein as though set forth in full.

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STANDARD CONDITIONS OF APPROVAL FOR
SUBDIVISIONS USING COMMUNITY WATER AND SEWER

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved community water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Water main extensions, laterals to each parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by the county Health Officer.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and county Health Department destruction standards. The applicant is required to obtain a permit from the county Health Department.
5. When a potentially operational or operational auxiliary water supply in the form of an existing well(s) is located on the parcels created and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Ordinance)
6. Sewer service shall be obtained from the community sewage disposal system.
7. Prior to the filing of the map a "final will serve" letter be obtained and submitted to the county Health for review and approval stating that community sewer system service is immediately available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of county Public Works and sewer district.
8. No residential building permits shall be issued until community sewers are operational and available for connection.
9. An encroachment permit shall be obtained from county Public Works for any

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work to be done within the county right-of-way.

10. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
11. Any existing reservoir or drainage swale on the property shall be delineated on the map.
12. Prior to submission of the map "checkprints" to county Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
13. Required public utility easements shall be shown on the map.
14. Approved street names shall be shown on the map.
15. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
16. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.
17. Any private easements on the property shall be shown on the map with recording data.
18. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to the filing of the map.
19. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
20. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
21. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.